

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1004 be amended to read as follows:

1 Replace the effective date in SECTION 13 with "[EFFECTIVE
2 MAY 1, 2004]".

3 Page 16, between lines 28 and 29, begin a new paragraph and insert:
4 "SECTION 12. IC 6-1.1-4-4, AS AMENDED BY P.L.198-2001,
5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 4. (a) A general reassessment, involving a
7 physical inspection of all real property in Indiana, shall begin July 1,
8 2000, and each fourth year thereafter. Each reassessment shall be
9 completed on or before March 1, of the immediately following
10 even-numbered year, and shall be the basis for taxes payable in the year
11 following the year in which the general assessment is to be completed.
12 **However, the general reassessment scheduled to begin under this**
13 **subsection on July 1, 2000, shall be completed on or before March**
14 **1, 2003, and shall be the basis for taxes first due and payable in**
15 **2004.**

16 (b) In order to ensure that assessing officials and members of each
17 county property tax assessment board of appeals are prepared for a
18 general reassessment of real property, the ~~state board department~~ of
19 ~~tax commissioners~~ **local government finance** shall give adequate
20 advance notice of the general reassessment to the county and township
21 taxing officials of each county.

22 SECTION 13. IC 6-1.1-4-32, AS ADDED BY P.L.151-2001,
23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 UPON PASSAGE]: Sec. 32. (a) As used in this section, "qualifying
25 county" means a county having a population of more than four hundred
26 thousand (400,000) but less than seven hundred thousand (700,000).

27 (b) Notwithstanding IC 6-1.1-4-15 and IC 6-1.1-4-17, a township
28 assessor in a qualifying county may not appraise property, or have
29 property appraised, for the general reassessment of real property to be
30 completed for the March 1, ~~2002~~, **2003**, assessment date. Completion
31 of that general reassessment in a qualifying county is instead governed

by this section. The only duty of:

- (1) a township assessor in a qualifying county; or
- (2) a county assessor of a qualifying county;

with respect to that general reassessment is to provide to the state board of tax commissioners or the state board's contractor under subsection (c) any support and information requested by the state board or the contractor.

(c) The state board of tax commissioners **or its successor, the department of local government finance**, shall select and contract with a nationally recognized certified public accounting firm with expertise in the appraisal of real property to appraise property for the general reassessment of real property in a qualifying county to be completed for the March 1, ~~2002~~, **2003**, assessment date. The contract applies for the appraisal of land and improvements with respect to all classes of real property in the qualifying county. The contract must include:

- (1) a provision requiring the appraisal firm to:
 - (A) prepare a detailed report of:
 - (i) expenditures made after July 1, 1999, and before the date of the report from the qualifying county's reassessment fund under ~~IC 6-1.1-4-28~~, **section 28.5 of this chapter**; and
 - (ii) the balance in the reassessment fund as of the date of the report; and
 - (B) file the report with:
 - (i) the legislative body of the qualifying county;
 - (ii) the prosecuting attorney of the qualifying county;
 - (iii) the ~~state board~~ **department of tax commissioners; local government finance**; and
 - (iv) the attorney general;
- (2) a fixed date by which the appraisal firm must complete all responsibilities under the contract;
- (3) a provision requiring the appraisal firm to use the land values determined for the qualifying county under ~~IC 6-1.1-4-13.6~~, **section 13.6 of this chapter**;
- (4) a penalty clause under which the amount to be paid for appraisal services is decreased for failure to complete specified services within the specified time;
- (5) a provision requiring the appraisal firm to make periodic reports to the state board of tax commissioners;
- (6) a provision stipulating the manner in which, and the time intervals at which, the periodic reports referred to in subdivision (5) are to be made;
- (7) a precise stipulation of what service or services are to be provided;
- (8) a provision requiring the appraisal firm to deliver a report of the assessed value of each parcel in a township in the qualifying county to the ~~state board~~ **department of tax commissioners; local**

1 **government finance;** and

2 (9) any other provisions required by the state board of tax
3 commissioners.

4 (d) After receiving the report of assessed values from the appraisal
5 firm, the ~~state board department of tax commissioners local~~
6 **government finance** shall give notice to the taxpayer and the county
7 assessor, by mail, of the amount of the reassessment. The notice of
8 reassessment is subject to appeal by the taxpayer to the ~~state Indiana~~
9 ~~board of tax commissioners.~~ Except as provided in subsection (e), the
10 procedures and time limitations that apply to an appeal to the ~~state~~
11 **Indiana board of tax commissioners** of a determination of the county
12 property tax assessment board of appeals under IC 6-1.1-15 apply to an
13 appeal under this subsection. A determination by the ~~state Indiana~~
14 ~~board of tax commissioners~~ of an appeal under this subsection is
15 subject to appeal to the tax court under IC 6-1.1-15.

16 (e) In order to obtain a review by the ~~state Indiana board of tax~~
17 ~~commissioners~~ under subsection (d), the taxpayer must file a petition
18 for review with the appropriate county assessor within forty-five (45)
19 days after the notice of the ~~state board department of tax~~
20 **commissioners local government finance** is given to the taxpayer
21 under subsection (d).

22 (f) The ~~state board department of tax commissioners local~~
23 **government finance** shall mail the notice required by subsection (d)
24 within ninety (90) days after the board receives the report for a parcel
25 from the professional appraisal firm.

26 (g) The cost of a contract under this section shall be paid from the
27 property reassessment fund of the qualifying county established under
28 ~~IC 6-1.1-4-27.~~ **section 27.5 of this chapter.**

29 (h) Notwithstanding IC 4-13-2, a period of seven (7) days is
30 permitted for each of the following to review and act under IC 4-13-2
31 on a contract of the state board of tax commissioners **or its successor,**
32 **the department of local government finance,** under this section:

- 33 (1) The commissioner of the department of administration.
- 34 (2) The director of the budget agency.
- 35 (3) The attorney general.
- 36 (4) The governor.

37 **A contract issued under this section by the state board of tax**
38 **commissioners shall be treated as the contract of the department**
39 **of local government finance for all purposes.**

40 (i) With respect to a general reassessment of real property to be
41 completed under IC 6-1.1-4-4 for an assessment date after the March
42 1, 2002; **2003**, assessment date, the ~~state board department of tax~~
43 **commissioners local government finance** shall initiate a review with
44 respect to the real property in a qualifying county or a township in a
45 qualifying county, or a portion of the real property in a qualifying
46 county or a township in a qualifying county. The ~~state board~~
47 **department of local government finance** may contract to have the

review performed by an appraisal firm. The ~~state board~~ **department of local government finance** or its contractor shall determine for the real property under consideration and for the qualifying county or township the variance between:

- (1) the total assessed valuation of the real property within the qualifying county or township; and
- (2) the total assessed valuation that would result if the real property within the qualifying county or township were valued in the manner provided by law.

(j) If:

- (1) the variance determined under subsection (i) exceeds ten percent (10%); and
- (2) the ~~state board~~ **department of local government finance** determines after holding hearings on the matter that a special reassessment should be conducted;

the ~~state board~~ **department of local government finance** shall contract for a special reassessment by an appraisal firm to correct the valuation of the property.

(k) If the variance determined under subsection (i) is ten percent (10%) or less, the ~~state board~~ **department of tax commissioners local government finance** shall determine whether to correct the valuation of the property under:

- (1) sections 9 and 10 of this chapter; or
- (2) IC 6-1.1-14-10 and IC 6-1.1-14-11.

(l) The ~~state board~~ **department of tax commissioners local government finance** shall give notice by mail to a taxpayer of a hearing concerning the ~~state board's intent of the department of local government finance~~ to cause the taxpayer's property to be reassessed under this section. The time fixed for the hearing must be at least ten (10) days after the day the notice is mailed. The ~~state board~~ **department of local government finance** may conduct a single hearing under this section with respect to multiple properties. The notice must state:

- (1) the time of the hearing;
- (2) the location of the hearing; and
- (3) that the purpose of the hearing is to hear taxpayers' comments and objections with respect to the ~~state board's intent of the department of local government finance~~ to reassess property under this chapter.

(m) If the ~~state board~~ **department of tax commissioners local government finance** determines after the hearing that property should be reassessed under this section, the ~~state board~~ **department of local government finance** shall:

- (1) cause the property to be reassessed under this section;
- (2) mail a certified notice of its final determination to the county auditor of the qualifying county in which the property is located; and

(3) notify the taxpayer by mail of its final determination.

(n) A reassessment may be made under this section only if the notice of the final determination under subsection (l) is given to the taxpayer within the same period prescribed in IC 6-1.1-9-3 or IC 6-1.1-9-4.

(o) If the ~~state board department of tax commissioners local government finance~~ contracts for a special reassessment of property under this section, the ~~state board department of local government finance~~ shall forward the bill for services of the contractor to the county auditor, and the county shall pay the bill from the county reassessment fund.

(p) A township assessor in a qualifying county or a county assessor of a qualifying county shall provide information requested in writing by the ~~state board department of tax commissioners local government finance~~ or ~~the state board's its~~ contractor under this section not later than seven (7) days after receipt of the written request from the state board or the contractor. If a township assessor or county assessor fails to provide the requested information within the time permitted in this subsection, the ~~state board department of tax commissioners local government finance~~ or ~~the state board's its~~ contractor may seek an order of the tax court under IC 33-3-5-2.5 for production of the information.

(q) The provisions of this section are severable in the manner provided in IC 1-1-1-8(b).".

Page 17, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 13. IC 6-1.1-8.7-3, AS ADDED BY P.L.198-2001, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Before January 1, ~~2003~~, **2004**, two hundred fifty (250) or more owners of real property in a township may petition the department of local government finance to assess the real property of an industrial facility in the township for the ~~2004~~ **2005** assessment date.

(b) Before January 1 of each year that a general reassessment commences under IC 6-1.1-4-4, two hundred fifty (250) or more owners of real property in a township may petition the department of local government finance to assess the real property of an industrial facility in the township for that general reassessment.

(c) An industrial company may at any time petition the department of local government finance to assess an industrial facility owned or used by the company."

Page 149, line 16, delete "and" and insert "**, as amended by this act, applies only to property taxes first due and payable after December 31, 2003.**".

Page 149, line 17, delete "both".

Page 149, line 17, delete "apply" and insert "**applies**".

Page 151, between lines 10 and 11, begin a new paragraph and insert:

1 "(d) Subject to subsections (b) and (c), the effective date of 50
2 IAC 2.3 and any other rule to the extent that it:

3 (1) applies to the assessment of real property; and

4 (2) is adopted by the state board of tax commissioners or the
5 department of local government finance after January 1,
6 2001, and before March 1, 2003;

7 are delayed and first apply to assessment dates after January 1,
8 2003. This subsection does not prohibit the department of local
9 government from issuing procedural rules or guidelines or
10 prescribing forms that do not conflict with subsections (b) and
11 (c).".

12 Page 157, after line 15, begin a new paragraph and insert:

13 "SECTION 155. **An emergency is declared for this act.**".

14 Renumber all SECTIONS consecutively.

 (Reference is to EHB 1004 as printed February 22, 2002.)

Senator CLARK